

**MINUTES OF THE MEETING
OF THE
BOARD OF ZONING ADJUSTMENT**

Tuesday November 10, 2015

The Board of Zoning Adjustment held its regular meeting on Tuesday, November 10, 2015, in the Council Chambers on the 26th Floor of City Hall and the following members were:

PRESENT:

Ms. Theresa Otto	Chair
Mr. Richard Osborn	Member
Mr. Tom Stiller	Member
Mr. Mark Ebbitts	Member
Mr. Tony Bonuchi	Member, Alternate 1
Mr. Joseph Devine	Member, Alternate 2
Ms. Tiffany Hogan	Member, Alternate 3

ABSENT:

Mr. Mike Keleher	Vice Chair
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ALSO PRESENT:

Mr. Joseph Rexwinkle	Acting Assistant Secretary
Mr. Justin Peterson	Staff
Ms. Marty Campbell	Recording Secretary
Ms. Sarah Baxter	Law Department
Mr. Tim Brookhauser	Development Services
Mr. Syrus Kalantar	Development Services
Ms.	Court Reporter

All staff reports, photographic slides, video and files are hereby made a part of these minutes.

The meeting was called to order at 1:05 p.m., by swearing in staff members and others who desired to testify at the hearing.

CASE NO: 11875-A-37

APPLICANT: Matt Schlicht
Engineering Solutions
50 SE 30th St.
Lees Summit, MO 64076

PROPERTY OWNER: Higdon Construction, LLC
PO Box 847
Lee's Summit, MO 64063

AFFIDAVIT: Received

LOCATION: 12620 Charlotte Street

AREA: 4,883 SF

ZONING: R-6

REQUEST: To consider a variance to the minimum required rear yard setback to allow for the construction of a deck, plus any other necessary variances.

Ms. Otto swore in Mr. McGinnis with Engineering Solutions; he had a chance to review the staff report and had no objections to it or the Administrative Exhibits 1-13; they were admitted;

Ms. Otto asked if there were any interested parties in the audience; there was no one.

Ms. Otto stated they would need an Affidavit by the end of the day stating he could represent the applicant on this matter; they would go ahead and hear the case.

Mr. Justin Peterson, Staff Planner, summarized the Staff Report and presented a power point and video of the subject property.

Ms. Otto asked if there were homes to be constructed to the rear of the location.

Mr. Peterson stated not through the plan that was a vacant area; and he didn't think there were any plans at the time.

Ms. Otto asked to hear from the applicant; and asked why the deck was built without a permit.

Mr. McGinnis answered he really didn't know.

Ms. Otto asked if there were any other decks in the development.

Mr. Peterson stated there had been several different variances granted in the development; because they were very narrow in the back.

Mr. Stiller stated he was looking for a reason to approve the request or deny the request.

Ms. McGinnis really didn't know how to answer.

Mr. Osborn moved and Mr. Ebbitts seconded the motion to **APPROVE**

- A. A variance to the minimum required setback of a principal structure in the amount of 8 feet, to allow for a deck in accordance with exhibit #12.

Motion carried 5-0.

Voting Aye: Otto, Osborn, Stiller, Ebbitts, Bonuchi

Voting Nay: None

Absent: Keleher

Present but not voting: Devine, Hogan

CASE NO:	14605-A
APPLICANT/OWNER:	Karen S. Ramos 4343 Fairmount Kansas City, MO 64111
AFFIDAVIT:	Not Required
LOCATION:	4343 Fairmount
AREA:	4,549 SF (0.104 Acres)
ZONING:	R-2.5
REQUEST:	To consider a request for a variance to the minimum required side yard setback and to the minimum required rear yard setback, plus any other necessary variances to allow for the construction of an addition to an existing house.

Ms. Otto swore in Ms. Karen Ramos; she had a chance to review the staff report and had no objections to it or the Administrative Exhibits 1-13; they were admitted;

Ms. Otto asked if there were any interested parties in the audience; there was no one.

Mr. Justin Peterson, Staff Planner, summarized the Staff Report and presented a power point and video of the subject property.

Ms. Otto asked to hear from the applicant. What was she proposing fills up pretty much all the green space on the property?

Ms. Ramos stated because the lots in the area were very small and she had brought a poster board depicting the house and the new renovations with the new landscaping, being marked Exhibit #15;

Ms. Otto stated she had also submitted an additional document about the construction marked as Exhibit #14 and she would admit that; anything she wanted the Board to see needed to be marked as an exhibit. Number 14 had been admitted; about #16 and #17 were two letters; #16 met the Board's requirements of being notarized and would be admitted; #17 did not have a notary for the signature; it looked like an e-mail that had been printed and then signed by Mr. Winters; did she witness the signature and was she familiar with Mr. Winters.

Ms. Ramos stated yes; and she did witness Mr. Winters sign this; Exhibit #17 was admitted.

Ms. Ramos stated her house now had one bedroom on the 1st floor and then another bedroom on the second floor with one bathroom on the 1st floor for both bedrooms. With the addition she could turn the house into a 2 bedroom, 1 bedroom to a 3 bedroom 2 ½ bathroom home which was a significant difference; it would become a far more functional home; they were also putting on another garage making it a two-car garage, aligning them both up.

Ms. Otto asked if any of the neighbors had voiced an objection.

Ms. Ramos stated she didn't know of any.

Mr. Joe Montanari was sworn in; he was President of the West Plaza Neighborhood Association; he came there with mixed feelings not knowing exactly what the situation was; he was in favor of the applicant's request; their general position in West Plaza has been if the applicant was

asking for something reasonable due to the extraordinary small lot size and the compact nature of the neighborhood, that happened quite frequently; and if the request was reasonable and there was no significant opposition to it they were okay.

Mr. Ebbitts moved and Mr. Stiller seconded the motion to **APPROVE**

- A. A variance to the minimum required side yard setback of a principal structure in the amount of 2.45 feet to allow for the construction of an addition in accordance with exhibit #12.
- B. A variance to the minimum required side yard setback of a principal structure in the amount of 2.45 feet for the existing house.
- C. A variance to the minimum required street side yard setback of a principal structure in the amount of 14.35 feet to allow for the construction of an addition in accordance with exhibit #12.
- D. A variance to the minimum required street side yard setback of a principal structure in the amount of 4.5 feet to allow for the existing house.
- E. A variance to the minimum required rear yard setback of a principal structure in the amount of 23.5 feet to allow for the construction of an addition and garage in accordance with exhibit #12.

Motion carried 5-0.

Voting Aye: Otto, Osborn, Stiller, Ebbitts, Bonuchi

Voting Nay: None

Absent: Keleher

Present but not voting: Devine, Hogan

CASE NO: 14607-A

APPLICANT: Robert Dimond Jr.
D.A. Group, Inc
5400 Johnson Drive #149
Mission, KS 66205

PROPERTY OWNER: James H Thompson III
1000 W. 33rd St.
Kansas City, MO 64111

AFFIDAVIT: Received

LOCATION: 1000 W. 33rd St.

AREA: 6,244 SF (0.143 Acres)

ZONING: R-6

REQUEST: To consider a request for a variance to the minimum side yard setback requirement to allow for an addition, plus any other necessary variances.

Ms. Otto swore in Mr. Robert Diamond, DA Group Inc. the architect for the project; he had a chance to review the staff report and had no objections to it or the Administrative Exhibits 1-13; they were admitted;

Ms. Otto asked if there were any interested parties in the audience; there was no one.

Mr. Justin Peterson, Staff Planner, summarized the Staff Report and presented a power point and video of the subject property.

Ms. Otto asked to hear from the applicant.

Mr. Diamond stated that because of the new zoning ordinance the house would be within the Code; the third request, the garage, they had brought the project before the Board of Preservation to approve the project with the support of the HOA; it would be getting more vehicles off the street; the addition of the second garage bay; they had evaluated doing the detached garage, honestly when this project is finished this would be the best aesthetically.

Ms. Otto asked if the garage would still be under the house and what about the covered porch.

Mr. Diamond answered yes; the covered porch was over the garage; the old porch would come down and the new one would be on the other side of the house where the two-story portion would be and would also be over the garage.

Mr. Stiller moved and Mr. Osborn seconded the motion to **APPROVE**

- A. A variance to the minimum required street side yard setback of a principal structure abutting a street in the amount of 11.6 feet to allow for the construction of an addition in accordance with exhibit #12.
- B. A variance to the minimum required side yard setback of a principal structure in the amount of 15 feet for the existing house.
- C. A variance to the minimum required side yard setback of a principal structure in the amount of 3.3 feet for the existing home and bay window.

Motion carried 5-0.

Voting Aye: Otto, Osborn, Stiller, Ebbitts, Bonuchi

Voting Nay: None

Absent: Keleher

Present but not voting: Devine, Hogan

CASE NO: 11470-A-5

APPLICANT/OWNER: Harry Drake
Wellington Partners, LLC
7600 Raytown Rd. Ste 207
Raytown, MO 64138

AFFIDAVIT: Received

LOCATION: 4439 Roanoke Parkway

AREA: 1.772 Acres

ZONING: R-1.5

REQUEST: To consider a request for a variance to allow parking in the front yard, plus any other necessary variances.

Ms. Otto swore in Mr. Harry Drake; he had a chance to review the staff report and had no objections to it or the Administrative Exhibits 1-13; they were admitted;

Ms. Otto asked if there were any interested parties in the audience; there was no one.

Mr. Justin Peterson, Staff Planner, summarized the Staff Report and presented a power point and video of the subject property.

Ms. Otto asked to hear from the applicant.

Mr. Drake stated there were currently 22 parking spaces; and he planned on adding 17 more spaces along that drive to get as much parking as they could; right now it is first come first serve; they are doing one 4-plex at a time; once they renovate they would like to be able to assign one stall per unit.

Mr. Ebbitts asked about the spaces by the dumpster and then was there some further back into the complex.

Mr. Drake answered yes; and he explained the site plan where the current spaces were and the new spaces would be.

Mr. Joe Montanari was sworn in; he was President of the West Plaza Neighborhood Association; they received a notice in the mail; last Thursday the Board met and they read the first introductory paragraph and it said "for the purpose parking in the front yard"; whereupon the Board voted unanimously to oppose this project. He was instructed by their Board to make that comment to you today; however, looking at the presentation here it does not seem it is an unreasonable request as they had initially thought.

Mr. Bonuchi moved and Mr. Ebbitts seconded the motion to **APPROVE**

- A. A variance to allow parking to extend into the front yard of an existing principal structure along Holly St. in accordance with exhibit #12.

Motion carried 5-0.

Voting Aye: Otto, Osborn, Stiller, Ebbitts, Bonuchi

Voting Nay: None

Absent: Keleher

Present but not voting: Devine, Hogan

RE: Case No. 14603-SU

APPLICANT: John Reeves
Gould Evans
4041 Mill St
Kansas City, MO 64111

OWNER: Kansas City Art Institute
4415 Warwick Blvd
Kansas City, MO 64111

LOCATION: Generally located on the block bound by E 44th St on the north, Oak St on the east and Warwick Blvd on the west.

REQUEST: To consider approval of a special use permit in District R-5 (Residential 5) to allow for building expansions and parking area modifications and any necessary variances.

Mr. Joseph Rexwinkle, Staff Planner, stated the applicant requested this case be continued to the November 24, 2015 meeting date without fee.

Ms. Otto asked if there were any interested parties in the audience; there was no one.

Mr. Osborn moved and Mr. Stiller seconded to **CONTINUE** this matter to the November 24, 2015 meeting date without fee (No Testimony – No Set Quorum).

Motion carried 5-0.

Voting Aye: Otto, Osborn, Stiller, Ebbitts, Bonuchi

Voting Nay: None

Absent: Keleher

Present but not voting: Devine, Hogan

RE: Case No. 14592-SU

APPLICANT/ AGENT: Khalid Banday
KAM Designs
9000 E Bannister Road
Kansas City, MO 64134

OWNER: K & M Real Estate LLC
4233 E White Sand Court
Blue Springs, MO 64015

LOCATION: **4815 Independence Avenue** – Generally located south of Independence Avenue and east of Van Brunt Boulevard

AREA: About 0.47 acres

ZONING: B3-2

REQUESTS: to consider approval of a Special Use Permit to expand an existing gas station and convenience store.

Ms. Otto swore in Mr. Khalid Banday; he had a chance to review the staff report and had no objections to it or the Administrative Exhibits 1-12; they were admitted;

Ms. Otto asked if there were any interested parties in the audience; there was no one.

Ms. Rema (LNU) was sworn she was the owner of the property and gave authorization to Mr. Banday to speak for her today.

Ms. Ashley Winchell summarized the Staff Report and presented a power point of the subject property.

Ms. Otto asked to hear from the applicant.

Mr. Banday responded making additional rooms for additional retail-type tenants would be able to be more profitable and advantageous for patrons.

Mr. Ebbitts asked to see the monument sign; would it be digital?

Ms. Winchell agreed it would only be drop in letters and numbers.

Mr. Bonuchi moved and Mr. Stiller seconded the motion to **APPROVE**

1. That five (5) collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri state plan coordinate system) of (a revised drawing /all listed sheets), revised as noted, be approved by the Development Management staff (15th Floor, City Hall) prior to issuance of building permit showing:
 - a. A 10 foot wide landscape buffer strip between the vehicular use area and Independence Avenue shall be provided. – Variance Requested
 - b. Remove General Note #3 “The existing pole mounted sign shall not be disturbed.”
 - c. Monument sign larger than allowed. Show sign meeting signage requirements of 88-445.
 - d. Dimensions of driveways, drive aisles and parking spaces in accordance with Chapter 52.

Conditions 2-4 per Development Management, City Planning and Development (Ashley Winchell, ashley.winchell@kcmo.org)

2. Digital pylon sign shall be removed. If replaced, new sign shall comply with 88-425 and shall not be digital or electronic. Sign shall be submitted to Development Management Division for review.
3. Relocate bicycle parking to west side of sidewalk.

Conditions 5-6 per Land Development Division, City Planning and Development (Brett Cox, brett.cox@kcmo.org)

4. The developer shall submit a Storm Drainage analysis from a Missouri-licensed civil engineer to the Land Development Division evaluating proposed improvements and impact to drainage conditions. Since this project is within a "Combined Sewer Overflow" (CSO) district, the project shall be designed to retain rainfall of 1.5 inch depth over the entire site to simulate natural runoff conditions and reduce small storm discharge to the combined sewer system. Manage the 10-year storm and 100-year storm per currently adopted APWA standards. The analysis shall be submitted, and the developer secure permits to construct any improvements required by the Land Development Division prior to issuance of a building permit.
5. The developer submit a letter to the Land Development Division from a Licensed Civil Engineer, Licensed Architect, or Licensed Landscape Architect, who is registered in the State of Missouri, to identifying sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 4/8/09" and base on compliance with Chapters 56 and 64 of the Code of Ordinances for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate occupancy permits.

The Board of Zoning Adjustment **GRANTED** the following variances:

- A. A variance to the minimum required landscape buffer strip for a vehicular use area adjacent to a public right-of way in the amount of 10 feet.
- B. A variance to the minimum required rear yard setback of a principal structure in a commercial zoning district abutting a residential zoning district in the amount of 20 feet, to allow for the construction of a convenience store and gas station.

Motion carried 5-0.

Voting Aye: Otto, Osborn, Stiller, Ebbitts, Bonuchi

Voting Nay: None

Absent: Keleher

Present but not voting: Devine, Hogan

OTHER MATTERS:

Approval of the Board minutes from 9/22/15.

Mr. Bonuchi moved and Mr. Osborn seconded the motion to approve the Board Meeting Minutes from 9/22/15.

Motion carried 5-0.

Voting Aye: Otto, Osborn, Stiller, Ebbitts, Bonuchi

Voting Nay: None

Absent: Keleher

Present but not voting: Devine, Hogan

There being no further business, the meeting was adjourned at 2:13 p.m.

Respectfully submitted,

Diane M. Binckley, AICP
Assistant Secretary

APPROVED:

Theresa Otto, Chairperson